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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3694/2016**

ALKA MAHAJAN

..... Petitioner

Through: **Mr.Raj Kumar Rajput, Advocate**

versus

THE STATE

(GOVT. OF NCT OF DELHI) AND ORS.

..... Respondents

Through: **Mr.Raktim Gogoi & Mr.Shivendu Singh, Advocates for R-3.**

Ms.Swaty S. Malik & Mr.Ajay Kumar, Advocates for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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02.05.2016

CM.No.15783/2016 (*exemption*)

Allowed, subject to all just exceptions.

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1. The petitioner- Alka Mahajan has filed the present writ petition seeking the following reliefs:

“a) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondent Nos.2 and 3 and their agents, servants, jointly and severally forthwith stop all illegal construction activity in the area of Gautam Nagar, New Delhi since July, 2014.

b) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondent Nos.2 and 3 and their agents, servants,

jointly and severally forthwith take action and ensure that the unauthorized construction which had already being carried out and booked be made inhabitable after disconnecting their electricity and water connection through BSES and Delhi Jal Board till their turn of demolition comes.

c) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondent No.4 to report forthwith to the respondent Nos.2 and 3 about illegal constructions carried out or going on in the area of Gautam Nagar, New Delhi, since 2014.

d) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondent No.4 to make some special provision to provide the police aid to the respondent Nos.2 and 3 for the purpose of demolition as and when asked for by the respondent Nos.2 and 3.

e) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondent No.1 to make some clear and time bound policy to take action against the erring office of respondent Nos.2, 3 and 4 for not doing their part to curb the menace of unauthorized construction spreading out all over Delhi.”

2. We may note that earlier also the petitioner had filed a similar writ petition being W.P.(C) No.7027/2015 seeking the following reliefs:

“a) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondent Nos.2 and 3 and their agents, servants, jointly and severally forthwith stop all illegal construction activity in the area of Gautam Nagar, New Delhi.

b) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondent No.4 to report forthwith to the respondent Nos.2 and 3 about illegal constructions carried out or going on in the area of Gautam Nagar, New Delhi.”

3. It is quite apparent that the reliefs sought in the present writ petition are more or less identical to the reliefs sought in W.P.(C) No.7027/2015, namely, seeking directions to the respondent Nos.2 and 3, i.e. The Commissioner, MCD and The Deputy Commissioner, SDMC to stop illegal

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construction activity in the area of Gautam Nagar, New Delhi. The other reliefs sought in the present writ petition are incidental to the main relief.

4. In both the petitions reference is made to various RTI applications made by the petitioner where according to her she has detected alleged unauthorized constructions. Only the description of the properties is different.

5. In the previous writ W.P.(C) No.7027/2015, this Court had on the request of the petitioner on 15.01.2016 provided her with necessary police protection. Subsequently, this Court noted that in the status report filed by SHO, Police Station- Hauz Khas, it was stated that the petitioner- Ms.Alka Mahajan was misusing the police protection granted by this Court for personal benefits. Serious allegations were also made by the police against the petitioner of threatening local police/builders and filing complaints against them. Hence, without entering into the controversy this Court on 25.01.2016 discharged Ms.Alka Mahajan as the petitioner and treated the matter as “THE COURT ON ITS OWN MOTION v. THE STATE (GOVT. OF NCT OF DELHI) AND ORS.” The writ petition was disposed of on 25.04.2016 with the following directions:

“i) The SDMC will complete the proceedings pertaining to various unauthorized properties as elaborated in the status report in accordance with law expeditiously.

ii) The SDMC will treat the objections filed to its status report as a representation and will look into the same and deal with the contentions stated therein in accordance with law.”

7. The petitioner- Ms.Alka Mahjan has now yet again filed the present writ petition seeking almost identical reliefs. In view of the background and the fact that the earlier writ petition filed seeking somewhat identical reliefs has been disposed off by this Court, we are not inclined to entertain the present writ petition. The same is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J.

MAY 02, 2016/v